

REMARKS

Receipt of the Office Action of May 4, 2007 is gratefully acknowledged.

Claims 5, 6 and 9 - 11 were examined and finally rejected under 35 USC 103(a) over Woodward.

Applicants cannot agree with this rejection and accordingly the final rejection is respectfully traversed.

As noted by the examiner, Woodward "is directed to a culinary grater" and "[t]he present invention relates to a thin meshy porous body which is made of a metal, a resin, or paper, and which may be used as a core member for a battery electrode, various filter members, or the like..." Page 1, lines 7 - 10 of the specification.

On page 5 of the Office Action, the examiner states in response to applicants argument that Woodward is directed to non-analogous art that "Applicant does not claim 'a core member for a battery electrode.' Instead, Applicant claims a generic 'thin meshy porous body' which can read on many substrates including a food grater and a core member for battery electrodes." In reply, applicants have amended independent claims 5 and 9 to recite that the thin meshy porous body is "for a core member for a battery electrode, various filter members, or the like." Certainly, a food grater is not a battery electrode, or a filter member or anything that would be considered as "or the like" as now claimed. Support for this amendment can be found in the quoted portion of the specification noted above.


The non-analogue argument must now be considered and cannot be dismissed by stating that "Woodward meets the claimed limitations." As the

Federal Circuit noted on August 1, 2007 in the case of *In Re Icon Health and Fitness, Inc*, 2006-1573 (Reexamination No. 90/005,117), requires that art be "reasonably pertinent" art and one that addresses the same problem as that faced by applicants. With this case as a guide, applicants respectfully submit that Woodward certainly does not address the same problem faced by applicants. Employing "common sense," as required by *KSR Int'l Co. V. Teleflex, Inc.*, 127 S. Ct. 1727, 1742 (2007), one must conclude that Woodward indeed does represent non-analogous art and cannot be relied upon.

Accordingly, claims 5, 6 and 9 - 11 should be allowed.

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Respectfully submitted,


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